

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

RONNIE MAXWELL, on behalf of himself and
others similarly situated ,

Plaintiffs,

vs.

REMINGTON ARMS COMPANY, INC.,

Defendant.

Case No: 1:10-CV-00918

**DEFENDANT REMINGTON ARMS COMPANY, INC.'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Defendant Remington Arms Company, Inc. (hereinafter "Remington"), through its counsel and with the consent of Plaintiff's counsel, hereby moves the Court, pursuant to Rules 6(b) and 15(a)(3) of the Federal Rules of Civil Procedure and Local Rule 6.1(a), for an extension of time to answer or otherwise respond to Plaintiff's First Amended Complaint for thirty (30) days up to and including January 20, 2011. In support of this Motion, Remington states:

1. Plaintiff commenced this action with the filing of a Complaint on November 29, 2010.
2. Remington was served with the Summons and Complaint on November 30, 2010.
3. Pursuant to Rule 12(a) of the Federal Rules of Civil Procedure, Remington would be required to respond to the Complaint on or before December 21, 2010.

4. Plaintiff subsequently filed a First Amended Complaint on December 3, 2010. Service of the First Amended Complaint was effectuated by mail on December 7, 2010.

5. Pursuant to Federal Rule of Civil Procedure 15(a)(3) any required response to an amended pleading must be made within the time remaining to respond to the original pleading or with 14 days of the service of the amended pleading, whichever is later. Under the applicable Rules, the date for response to the original pleading and the First Amended Complaint is the same, December 21, 2010.

6. Remington needs additional time to obtain information to answer or otherwise respond to the Complaint.

7. The undersigned counsel for Remington conferred with Plaintiff's counsel, William Wright, who advised that he consents to the requested extension of time to respond to the First Amended Complaint through January 20, 2011.

WHEREFORE, Remington respectfully requests that the Court grant this motion and extend time for Remington to answer or otherwise plead to Plaintiff's First Amended Complaint through January 20, 2011.

This the 20th day of December, 2010.

/s/ Frederick W. Rom

Frederick W. Rom (North Carolina Bar No. 26675)
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
150 Fayetteville Street
Suite 2100
Raleigh, NC 27601
Telephone: (919) 755-8153
Facsimile: (919) 484-2073
Email: from@wcsr.com

Attorneys for Remington Arms Company, Inc.

Of Counsel:

Anne E. Cohen
Debevoise & Plimpton, LLP
919 Third Avenue
New York, New York 10022
Telephone: (212) 909 6078
Facsimile: (212) 909 6836

Dale G. Wills
Swanson, Martin & Bell, LLP
330 N. Wabash, Suite 3300
Chicago, IL 60611
Telephone: (312)-321-9100
Facsimile: (312)-321-0990

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2010, I electronically filed the foregoing Motion for Extension of Time to Respond to Plaintiff's Complaint with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

GARY K. SHIPMAN
WILLIAM G. WRIGHT
Shipman & Wright, LLP
575 Military Cutoff Road, Suite 106
Wilmington, North Carolina 28405
Attorneys for Plaintiff

And via First Class US Mail, postage prepaid to:

Benjamin R. Bingham
Bingham & Lea, P.C.
319 Maverick Street
San Antonio, Texas 78212
Attorneys for Plaintiff

/s/ Frederick W. Rom
Frederick W. Rom